

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO SETTLE THE CASE OF TY WHITEHEAD V. CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND DOES 1 THROUGH 100, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG18896233, CITY ATTORNEY FILE NO. 32322, BY PAYMENT IN THE AMOUNT OF SEVEN MILLION DOLLARS AND NO CENTS (\$7,000,000.00) (DEPARTMENT OF TRANSPORTATION – DANGEROUS CONDITION)**

**WHEREAS**, Plaintiff Ty Whitehead alleges that he suffered a serious traumatic brain injury as a result of falling from his bicycle when it hit a pothole on Skyline Boulevard on March 25, 2017; and

**WHEREAS**, Whitehead filed the lawsuit entitled *Ty Whitehead v. City of Oakland, County of Alameda, State of California, and Does 1 through 100*, Alameda County Superior Court Case No. RG18896233; and

**WHEREAS**, the City prevailed on its motion for summary judgment, which was affirmed by the California Court of Appeal, but later reversed by the California Supreme Court; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

**WHEREAS**, the parties and their legal counsel have negotiated a fair and reasonable settlement of these claims; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of *Ty Whitehead v. City of Oakland, County of Alameda, State of California, and Does 1 through 100*, Alameda County Superior Court Case No. RG18896233, for the sum of Seven Million Dollars and No Cents (\$7,000,000.00); and be it

**FURTHER RESOLVED:** That the City Attorney is authorized and directed to take whatever steps as may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California